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U.S. DISTRICT COURT E.D.N.Y.
★ SEP 19 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____

-----X
ROCKY L. FREEMAN,

Petitioner,

-against-

01 CV 0720 (SJ)
MEMORANDUM
AND ORDER

UNITED STATES OF AMERICA,

Respondent.

-----X
A P P E A R A N C E S:

ROCKY L. FREEMAN
47292-053
United States Penitentiary-Big Sandy
P.O. Box 2068
Inez, KY 41224
Petitioner, *Pro Se*

UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
One Pierrepont Plaza
Brooklyn, New York 11201
Attorneys for Respondent

JOHNSON, Senior District Judge:

Presently before the Court is a Motion for Reconsideration by Petitioner Rocky Freeman ("Petitioner"), requesting that the Court alter a previous Order dismissing Petitioner's claims under 28 U.S.C. § 2255. For the reasons stated herein, the Motion is DENIED. The Court notes that because a certificate of appealability was granted in the previous Order, Petitioner will have the option of raising any arguments regarding the

Order to the Second Circuit.

In his initial Petition, Petitioner argued for habeas relief on the basis of fifteen asserted violations of his due process rights or right to a fair trial. The Court finds that his Motion for Reconsideration does not present any new evidence or arguments that have not already been considered by this Court, but rather seeks to re-argue issues already adjudicated and decided. Accordingly, the Motion for Reconsideration is denied. Petitioner has been granted a certificate of appealability and therefore has the option of appealing this Court's judgment.

SO ORDERED.

Dated: September 15, 2005
Brooklyn, New York

s/SJ

Senior U.S.D.J.